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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,196	03/14/2001	Christopher Paul Kenneth Smithies	111828.120US1	1727
28089 7590 04/12/2007 WILMER CUTLER PICKERING HALE AND DORR LLP 399 PARK AVENUE NEW YORK, NY 10022			EXAMINER VIG, NARESH	
			ART UNIT	PAPER NUMBER
			3629	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/12/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/12/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/805,196

Applicant(s)

SMITHIES ET AL.

Examiner

Naresh Vig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11,13,14,16,22,23,28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11,13,14,16,22,23,28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20010823, 20010621.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

This is in reference to communication received 03 January 2007. Claims 11, 13, 14, 16, 22, 23, 28 and 29 are pending for examination.

Response to Arguments

Applicant's arguments form amended claims are responded to in response to pending the amended claims.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 23 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. For a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, applicant's claimed limitation communicating the declaration identifier from the recording system to a relying party, prior to receiving the declaration identifier. Claim 23 claims dependency on Claim 22, wherein, applicant claims the limitation receiving a declaration identifier at a recording system from an affirming party, the declaration identifier corresponding to the declaration. This clearly demonstrates that claimed invention will not produce useful and concrete results because the declaration identifier may not be the same identifier.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 13, 14, 16, 22, 23, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over EasyLink in view of Matthew et al. US Patent 4,580,012.

Regarding claims 11 and 28, EasyLink teaches concept for recording consent to a transaction using a recording system and a transaction identifier corresponding to the transaction. EasyLink does not explicitly teach using a voice recording system.

However, Easylink teaches using a voice narrating system like a telephone to dictate the consent to a transaction. Matthews teaches recording audio messages using a voice recording system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify EasyLink as taught by Matthew and replace the recording device by a voice recording device to reduce costs by eliminating transcribers who types the dictation of the affirming party.

EasyLink in view of Matthew teaches concept for recording consent to a transaction using a voice recording system and a transaction identifier corresponding to

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the transaction, the transaction involving a relying party and an affirming party. EasyLink in view of Matthew teaches:

- receiving the transaction identifier corresponding to the transaction at the voice recording system from the affirming party [EasyLink page 1 – 3];

- recording a voice message received from the affirming party, the voice message indicating that the affirming party assents to the transaction corresponding to the transaction identifier [EasyLink page 1 – 3];

- storing the voice message in the voice recording system [EasyLink page 1 – 3];

- associating a recording identifier with the recorded voice message [EasyLink page 1 – 3].

Regarding claim 13, EasyLink in view of Matthew teaches capability for receiving the transaction identifier after establishment of communications between the affirming party and the recording system [EasyLink page 1 – 3, Matthew, Fig. 13 and disclosure associated with Fig. 13].

Regarding claim 14 and 29, EasyLink in view of Matthew teaches capability for providing the recording identifier to the relying party.

Regarding claim 16, as responded to earlier in response to claim 11, EasyLink in view of Matthew teaches capability for notifying the relying party that the voice message has been stored.

Regarding claim 22, as responded to earlier in response to claim 11, EasyLink teaches concept for recording solemn declaration from an affirming party. EasyLink does not explicitly teach using a voice recording system. However, Easylink teaches using a voice narrating system like a telephone to dictate the consent to a transaction. Matthews teaches recording audio messages using a voice recording system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify EasyLink as taught by Matthew and replace the recording device by a voice recording device to reduce costs by eliminating transcribers who types the dictation of the affirming party.

EasyLink in view of Matthew teaches capabilityt for recording solemn declaration at a voice recording system by:

receiving a declaration identifier at a recording system from an affirming party, the declaration identifier corresponding to the declaration;

receiving a voice message at the recording system from the affirming party, the voice message including a statement of the solemn declaration corresponding to the declaration identifier;

recording and storing the voice message at the recording system; and associating a recording identifier with the recorded voice message.

Regarding claim 23, as best understood by examiner, EasyLink in view of Matthews teaches capability for communicating declaration identifier to the relying party prior to receiving the declaration identifier9.

Conclusion

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

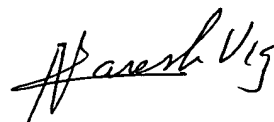
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Naresh Vig
Examiner
Art Unit 3629

March 31, 2007